

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUAN ZATARAIN-ONTIVERO and
ARNALDO GARCIA-BAILON,

Defendants.

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8:16CR119

ORDER

This matter is before the court on the motion to continue by defendant Juan Zatarain-Ontivero (Zatarain-Ontivero) (Filing No. 26). Zatarain-Ontivero seeks a continuance of the trial scheduled for June 27, 2016. Zatarain-Ontivero's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted. **Trial will be continued as to both defendants.**

IT IS ORDERED:

1. Zatarain-Ontivero's motion to continue trial (Filing No. 26) is granted.
2. Trial of this matter **as to both defendants** is re-scheduled for **August 22, 2016**, before Senior Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **June 10, 2016, and August 22, 2016**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 10th day of June, 2016.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge